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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

In re A.G., a Person Coming  
Under the Juvenile Court Law.

B294937  
(Los Angeles County  
Super. Ct. No. 18CCJP02037)

LOS ANGELES COUNTY  
DEPARTMENT OF  
CHILDREN AND FAMILY  
SERVICES,

Plaintiff and Respondent,

v.

JUDY G.,

Defendant and Appellant.

APPEAL from jurisdictional and dispositional orders of  
the Superior Court of Los Angeles County, Daniel Zeke Zeidler,  
Judge. Affirmed.

Annie Greenleaf, under appointment by the  
Court of Appeal, for Defendant and Appellant.

Mary C. Wickham, County Counsel, Kristine P. Miles,  
Assistant County Counsel, and Veronica Randazzo,  
Deputy County Counsel, for Plaintiff and Respondent.

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Judy G. (mother) appeals from the juvenile court's jurisdictional and dispositional orders concerning her infant son A.G. The juvenile court asserted jurisdiction based on mother's and A.G.'s father's (father) history of substance abuse and mother's conviction 15 years earlier for child cruelty. Mother does not challenge the substance abuse findings, which are sufficient basis to affirm the jurisdictional order. Mother asks that we exercise our discretion, however, to consider her challenge to the findings regarding her prior criminal conviction, which she contends are insufficient to demonstrate a current risk to A.G.

We decline to exercise our discretion to reach mother's challenge on the merits. None of the trial court's dispositional orders is based specifically on the prior conviction, and any hypothetical future consequences to mother will be the result of the conviction itself, not the juvenile court's findings in this particular case.

Mother concedes in her reply that she forfeited her challenge to the juvenile court's dispositional orders by not objecting at trial. Accordingly, we affirm.

## FACTUAL AND PROCEDURAL BACKGROUND

### 1. Mother's prior child welfare history<sup>1</sup>

Prior to the instant matter, mother had lost custody or parental rights to seven children in four separate dependency proceedings between 2004 and 2016.<sup>2</sup> In the first of those four cases, the juvenile court sustained allegations that mother had stabbed her two-and-a-half-year-old daughter S.S. in the leg with a knife, causing a “bleeding laceration” that required three stitches. According to mother, she was “poking” the knife at S.S.’s father during an argument and inadvertently stabbed S.S., whom the father was holding. As a result of the stabbing, mother was convicted in 2004 of felony child cruelty under Penal Code section 273a, subdivision (a). The juvenile court terminated jurisdiction after granting sole custody of S.S. and her brother to their father.

In the other three cases, the juvenile court asserted jurisdiction based on various grounds, including substance abuse by mother or the children’s father, mother’s inability to provide the necessities of life, and mother’s previous conviction for child cruelty.

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<sup>1</sup> The information in this section comes primarily from the jurisdiction and disposition report in the instant case and the jurisdiction and disposition report from an earlier proceeding involving two of mother’s other children. We provide the information for context, but our summary does not constitute a finding on the merits as to any of the previous proceedings.

<sup>2</sup> A.G.’s father was not the father of any of the children in mother’s four previous cases.

## **2. Current juvenile court proceeding**

In November 2018, the Department of Children and Family Services (DCFS), respondent here, filed a juvenile dependency petition under Welfare and Institutions Code<sup>3</sup> section 300 seeking to detain newborn A.G. The petition alleged counts under section 300, subdivisions (b) and (j), asserting that mother had a “history of substance abuse including methamphetamine and marijuana, which renders the mother incapable of providing regular care for the child.” The petition noted that three of mother’s other children “received permanent placement services due to the mother’s substance abuse.”

The juvenile court ordered A.G. detained. Less than two weeks later, and over DCFS’s objection, the juvenile court ordered A.G. released to mother under the supervision of DCFS, conditioned on mother and A.G. residing in a substance abuse treatment facility with mother passing drug tests and complying with all rules.

In advance of the jurisdiction and disposition hearing, DCFS filed an amended section 300 petition. In addition to the previous allegations of substance abuse, labeled as counts b–1 and j–1, the petition added counts b–2 and j–2 based on mother’s previous conviction for child cruelty, and counts b–3 and j–3 based on father’s history of substance abuse.

At the jurisdiction and disposition hearing, mother pleaded no contest to an amended count b–1, the changes to which are not relevant to this appeal. Mother’s counsel and A.G.’s counsel both asked the juvenile court to dismiss count b–2 given that the

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<sup>3</sup> Undesignated statutory citations are to the Welfare and Institutions Code.

conviction for child cruelty was 15 years prior, mother had taken anger management classes, and mother had not committed any similar acts since.

The juvenile court found counts b–1, b–2, j–1 (amended similarly to b–1), and j–2 true as to mother, and count b–3 true as to father, but struck count j–3. Accordingly, the juvenile court declared A.G. a dependent of the court. Over DCFS’s objection, the juvenile court placed A.G. with mother in the substance abuse treatment facility and directed DCFS to provide family maintenance and family preservation services when appropriate. The juvenile court ordered mother to attend and complete “[a] full drug and alcohol program . . . , conjoint counseling with the father if appropriate, parenting education, [and] individual counseling to address substance abuse, child safety, and case issues.” The juvenile court granted father monitored visits.

Mother timely appealed from the “[a]judication finding on b–2 and j–2,” the counts pertaining to her previous conviction for child cruelty.

## **DISCUSSION**

### **A. Unchallenged Findings Support The Juvenile Court’s Assertion Of Jurisdiction Over A.G.**

Mother argues that her 15-year-old conviction was insufficient to demonstrate she posed a current risk to A.G.’s safety, and therefore the trial court erred in asserting jurisdiction on that basis.

The section 300 petition in this case asserted multiple grounds for jurisdiction, and we may affirm the juvenile court’s jurisdictional findings if any one of those bases is uncontested or supported by substantial evidence. (See *In re Alexis E.* (2009)

171 Cal.App.4th 438, 451.) “In such a case, the reviewing court need not consider whether any or all of the other alleged statutory grounds for jurisdiction are supported by the evidence.” (*Ibid.*)

Here, mother pleaded no contest to the amended count b–1 of the petition, and does not challenge on appeal the juvenile court’s findings as to that count or counts j–1 and b–3. (See *In re P.A.* (2007) 155 Cal.App.4th 1197, 1212 [juvenile court may assert jurisdiction “if the actions of either parent bring the child within the statutory definitions of dependency”].) We therefore may affirm the juvenile court’s jurisdictional order regardless of whether substantial evidence supported its findings as to counts b–2 and j–2.

Mother nonetheless requests that we address her challenge to counts b–2 and j–2. Reviewing courts have “discretion to consider alternative jurisdictional findings.” (*In re I.A.* (2011) 201 Cal.App.4th 1484, 1493.) They may exercise that discretion when the challenged finding “(1) serves as the basis for dispositional orders that are also challenged on appeal [citation]; (2) could be prejudicial to the appellant or could potentially impact the current or future dependency proceedings [citations]; or (3) ‘could have other consequences for [the appellant], beyond jurisdiction.’” (*In re Drake M.* (2012) 211 Cal.App.4th 754, 762–763.)

We decline to exercise our discretion to reach mother’s challenge on the merits. The juvenile court issued no dispositional order specifically based on counts b–2 and j–2. Mother contends the order that she address “child safety” and “case issues” in individual counseling includes addressing her 15-year-old conviction. The dispositional orders, however, apply

equally to the uncontested counts, all of which also raise concerns about A.G.'s safety. Moreover, as mother concedes, mother did not object to the dispositional orders in the juvenile court and thus those orders are not properly before us on appeal. (See *In re Daniel B.* (2014) 231 Cal.App.4th 663, 672.)

As for prejudice, mother argues that her criminal conviction “was used in several of her dependency actions as a reason to justify the assumption of jurisdiction over her other children and to deny her an opportunity to reunify with those children.” Far from denying mother reunification services here, however, the juvenile court placed A.G. with mother in a treatment facility and ordered mother to participate in ameliorative programs. As important, the premise of mother’s argument is erroneous. The asserted prejudice or consequences mother claims she may face in the future are a result of her conviction for child cruelty, not the juvenile court’s findings or orders in this particular case. Reversal of the findings on counts b–2 and j–2 would not affect the conviction itself and whatever hypothetical prejudice its existence may have on mother in a future case.

In the alternative, mother contends we should exercise our discretion to consider her challenge because “the situation is likely to reoccur to Appellant or to others similarly situated.” She asserts we should reach the merits because of the broader public interest in preventing DCFS from using “attenuated, past criminal history” as a basis for a section 300 petition. We see nothing “attenuated” about that history. According to the record before us, in the 15 years since mother lost custody of two children after stabbing one of them, juvenile courts have repeatedly found mother incapable of ensuring the safety of her

other children based not only on her prior act of child cruelty, but also on her ongoing struggles with substance abuse and her involvement with others struggling with substance abuse. Given mother's history, the facts of this case, and the juvenile court's placement of A.G. with mother, this appeal does not provide an appropriate opportunity to reach the broader issue mother raises.

**B. Mother Concedes She Has Forfeited Her Challenge To The Dispositional Orders**

In her opening brief, mother challenged the juvenile court's order that she address certain issues in individual counseling. In her reply, mother concedes that her trial counsel did not object to the dispositional orders and accordingly withdraws the issue on appeal.

**DISPOSITION**

The juvenile court's jurisdictional and dispositional orders are affirmed.

NOT TO BE PUBLISHED.

BENDIX, J.

We concur:

JOHNSON, Acting P. J.

WEINGART, J.\*

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\* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.